

employee does not acquire a competitive status on the basis of this term appointment; nor does this term appointment extend or terminate the employee's eligibility under 5 U.S.C. 3304(c).

(7) A temporary employee who was within reach for term appointment to the same position from an appropriate register at the time of his/her temporary appointment, or during subsequent service in the position, provided that the register was being used for term appointments at the time the employee was reached and he or she has been continuously employed in the position since being reached.

[44 FR 44813, July, 31, 1979, as amended at 46 FR 61065, Dec. 15, 1981; 47 FR 27539, June 25, 1982; 49 FR 5601, Feb. 14, 1984; 50 FR 13173, Apr. 3, 1985; 50 FR 42509, Oct. 21, 1985; 53 FR 20808, June 7, 1988; 59 FR 46898, Sept. 13, 1994; 60 FR 3058, Jan. 13, 1995]

### § 316.303 Tenure of term employees.

(a) A term employee does not acquire a competitive status on the basis of his term appointment.

(b) The employment of a term employee ends automatically on the expiration of his term appointment unless he has been separated earlier in accordance with this chapter.

### § 316.304 Trial period.

(a) The first year of service of a term employee is a trial period.

(b) The agency may terminate a term employee at any time during the trial period. The employee is entitled to the procedures set forth in § 315.804 or § 315.805 of this chapter as appropriate.

### § 316.305 Eligibility for within-grade increases.

A term employee serving in a position subject to the General Schedule is eligible for within-grade increases in accordance with subpart D of part 531 of this chapter.

## Subpart D—Temporary Limited Employment

### § 316.401 Purpose and duration.

(a) *Appropriate use.* An agency may make a temporary limited appointment—

(1) To fill a short-term position (i.e., one that is not expected to last longer than 1 year);

(2) To meet an employment need that is scheduled to be terminated within the timeframe set out in paragraph (c) of this section for such reasons as abolishment, reorganization, or contracting of the function, anticipated reduction in funding, or completion of a specific project or peak workload; or

(3) To fill positions on a temporary basis when the positions are expected to be needed for placement of permanent employees who would otherwise be displaced from other parts of the organization.

(b) *Certification of appropriate use.* The supervisor of each position filled by temporary appointment must certify that the employment need is truly temporary and that the proposed appointment meets the regulatory time limits. This certification may constitute appropriate documentation of compliance with the limits set out in paragraph (c) of this section. The reason(s) for making a temporary limited appointment must be stated on the form documenting each such appointment.

(c) *Time limits—general.* (1) An agency may make a temporary appointment for a specified period not to exceed 1 year. The appointment may be extended up to a maximum of 1 additional year (24 months of total service). Appointment to a successor position (i.e., to a position that replaces and absorbs the position to which an individual was originally appointed) is considered to be an extension of the original appointment. Appointment to a position involving the same basic duties and in the same major subdivision of the agency and same local commuting area as the original appointment is also considered to be an extension of the original appointment.

(2) An agency may not fill a position by temporary appointment if that position has previously been filled by temporary appointment(s) for an aggregate of 2 years, or 24 months, within the preceding 3-year period.

(d) *Exceptions to general time limits.* (1) Agencies may make and extend temporary appointments to positions involving intermittent or seasonal work